

ESTTA Tracking number: **ESTTA504428**

Filing date: **11/08/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Karma Athletics, Ltd.		
Entity	Corporation	Citizenship	Canada
Address	205-1008 Homer Street Vancouver, British Columbia, V6B 2X1 CANADA		

Attorney information	Joseph W. Berenato, III Berenato & White, LLC 6550 Rock Spring Drive Suite 240 Bethesda, MD 20817 UNITED STATES jberenato@bw-iplaw.com, dinman@bw-iplaw.com, prehfield@bw-iplaw.com Phone:301-896-0600
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Applicant Information

Application No	85604485	Publication date	10/09/2012
Opposition Filing Date	11/08/2012	Opposition Period Ends	11/08/2012
Applicants	Vanterpool, Malik 300 N Akard ST Dallas, TX 75201 UNITED STATES Shantelle Neal 300 N Akard ST Dallas, TX 75201 UNITED STATES		

Goods/Services Affected by Opposition

Class 025.


All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3319351	Application Date	02/13/2003
Registration Date	10/23/2007	Foreign Priority Date	NONE

Word Mark	KARMA.
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2002/07/05 First Use In Commerce: 2004/09/30 Clothing and headgear, namely, bra tops, t-shirts, jackets, sweat shirts, pants, shorts, leggings, tunics, shirts, hats, and undergarments consisting of underwear and brassieres

U.S. Registration No.	3875261	Application Date	01/24/2007
Registration Date	11/16/2010	Foreign Priority Date	08/04/2006
Word Mark	KARMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: on-line retail store services featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags; retail store services featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags; wholesale distributorships featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags		

U.S. Registration No.	3918906	Application Date	08/02/2006
Registration Date	02/15/2011	Foreign Priority Date	02/03/2006
Word Mark	KARMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: PLASTIC WATER BOTTLES SOLD EMPTY Class 024. First use:		

	TOWELS Class 028. First use: SPORTS EQUIPMENT, NAMELY, YOGA MATS
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	KARMA ATHLETICS LTD.		
Goods/Services	clothing, athletic equipment and associated accessories		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	KARMA		
Goods/Services	clothing, athletic equipment and associated accessories		

Attachments	78214736#TMSN.gif (1 page)(bytes) 77090370#TMSN.jpeg (1 page)(bytes) 78979494#TMSN.jpeg (1 page)(bytes) 6222.825_NOO_20121108131231.pdf (10 pages)(64446 bytes) 6222.825_Ex1_20121108131334.pdf (4 pages)(403739 bytes) 6222.825_Ex2_20121108131405.pdf (5 pages)(525600 bytes) 6222.825_Ex3_20121108131438.pdf (5 pages)(49541 bytes) 6222.825_ex4_20121108131509.pdf (5 pages)(60505 bytes) 6222.825_ex5_20121108131544.pdf (5 pages)(61394 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/
Name	Joseph W. Berenato, III
Date	11/08/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NOTICE OF OPPOSITION

In re: Trademark Application No. 85/604,485

Mark: KARMA ATHLETICA

International Class: 25

Basis: 1(b)

Applicant: Malik Vanterpool and Neal Shantelle, DBA Karma Athletica

Filed: December 27, 2011

Published: October 9, 2012

KARMA ATHLETICS LTD.	:	
	:	
Opposer	:	Opposition No. _____
	:	
v.	:	
	:	
MALIK VANTERPOOL and NEAL	:	
SHANTELE,	:	
DBA KARMA ATHLETICA	:	
	:	
Applicant	:	
	:	

TO THE TRADEMARK TRIAL AND APPEAL BOARD:

Karma Athletics, Ltd., a Canadian corporation having an address of 205-1008 Homer Street, Vancouver, British Columbia, Canada V6B 2X1 (hereinafter “Opposer”) believes that it has been or will be damaged by registration of the mark shown in application Serial No. 85/604,485 (hereinafter “the ‘485 application”) and hereby opposes same.

To the best of Opposer’s knowledge, the current owners of the ‘485 application are Mr. Malik Vanterpool and Mr. Neal Shantelle, DBA Karma Athletica, having an address of 300 N. Akard Street, Dallas, Texas 75201 (hereinafter “Applicant”).

As grounds for this Opposition, it is alleged that:

1. Opposer is now, and for many years has been, engaged in the business of the manufacture, sale and distribution of clothing, athletic equipment and associated accessories, primarily, although not exclusively targeted to, yoga practitioners and the general public.
2. Since at least as early as September 30, 2004, Opposer has operated in United States commerce under the trade name KARMA ATHLETICS LTD.
3. Since at least as early as September 30, 2004, Opposer has utilized the mark KARMA either alone or in stylized form (hereinafter “the KARMA mark”) on or in association with its clothing, athletic equipment and associated accessories.
4. In connection with its business, Opposer has maintained a website at <<http://karmaathletics.com>> or <<http://karmawear.com>>, since at least as early as June 2004, displaying the KARMA mark and its trade name KARMA ATHLETICS LTD. See Exhibit 1, wherein a copy of Opposer’s current website and a copy of a previous version of Opposer’s website are provided.
5. Opposer has used, and continue to use, the KARMA mark on or in association with its clothing, athletic equipment and associated accessories.

6. Opposer has used, and continue to use, the trade name KARMA ATHLETICS LTD. in a public manner in association with its business and its goods. See Exhibit 2, wherein a copy an advertisement from the August 2007 Yogajournal.com publication and a third-party article about Opposer are provided, both utilizing the trade name KARMA ATHLETICS LTD. in association with Opposer and Opposer's business and goods.
7. Opposer's trade name KARMA ATHLETICS LTD. is inherently distinctive when used in association with its business and goods produced and sold thereunder, or at least has acquired distinctiveness through years of continuous and substantially exclusive use.
8. Opposer is the owner of U.S. Trademark Registration No. 3,319,351 for KARMA and Design as applied to clothing and headgear, namely, bra tops, t-shirts, jackets, sweat shirts, pants, shorts, leggings, tunics, shirts, hats, and undergarments consisting of underwear and brassieres, in International Class 025. U.S. Trademark Registration No. 3,319,351 was duly issued to Opposer on October 23, 2007. A copy of the current status and title copy of Registration No. 3,319,351 are enclosed herein as Exhibit 3. The mark has been in continuous use since at least as early as September 30, 2004 and is still in use.
9. Opposer is the owner of U.S. Trademark Registration No. 3,875,261 for KARMA and Design as applied to on-line retail store services featuring clothing, headgear, water

bottles, yoga mats, towels, and athletic bags; retail store services featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags; wholesale distributorships featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags, in International Class 035. U.S. Trademark Registration No. 3,875,261 was duly issued to Opposer on November 16, 2010. A copy of the current status and title copy of Registration No. 3,875,261 are enclosed herein as Exhibit 4. Pursuant to Section 44(d) of the Lanham Act, the mark claims a priority date of August 4, 2006 and is still in use.

10. Opposer is the owner of U.S. Trademark Registration No. 3,918,906 for KARMA and Design as applied to plastic water bottles sold empty, in International Class 021; towels, in International Class 024; and sports equipment, namely, yoga mats, in International Class 028. U.S. Trademark Registration No. 3,918,906 was duly issued to Opposer on February 15, 2011. A copy of the current status and title copy of Registration No. 3,918,906 are enclosed herein as Exhibit 5. Pursuant to Section 44(d) of the Lanham Act, the mark claims a priority date of February 3, 2006 and is still in use.

11. On April 20, 2012, Applicant filed an application under Section 1(b) of the Lanham Act, application Serial No. 85/604,485 (“the ‘485 application”), for federal registration of the mark KARMA ATHLETICA as applied to athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms, in International Class 025.

12. Upon information and belief, Applicant has not made use of the mark of the '485 application in commerce.

13. Upon information and belief, the consuming public is likely to view goods sold under Applicant's KARMA ATHLETICA mark as approved, endorsed or sponsored by Opposer, or that Opposer is a source of Applicant's goods, or that the goods of Applicant are in some other way associated with Opposer, all to Opposer's injury and harm.

COUNT I - PRIORITY

14. The allegations of paragraphs 1-13 are incorporated herein.

15. Applicant's application for the mark KARMA ATHLETICA was filed on April 20, 2012.

16. Upon information and belief, Applicant did not make use of the KARMA ATHLETICA mark on or in association with the goods identified in the application in commerce prior to the April 20, 2012 filing date.

17. Upon information and belief, Applicant has not made use of the KARMA ATHLETICA mark in commerce on or in association with the goods identified in the application.

18. Opposer's use of the KARMA and Design marks identified in Opposer's pleaded registrations predate the filing date of Applicant's '485 application.
19. Opposer's use of the trade name KARMA ATHLETICS LTD. in association with its business and its goods predates the filing date of Applicant's KARMA ATHLETICA application.
20. Opposer's proprietary rights in the KARMA mark are superior to Applicant's rights in its '485 application, as evidenced by Opposer's use of the KARMA mark since prior to any date of use available to Applicant.
21. Opposer's proprietary rights in the trade name KARMA ATHLETICS LTD. are superior to Applicant's rights in its '485 application, as evidenced by Opposer's use of the trade name KARMA ATHLETICS LTD. since prior to any date of use available to Applicant.
22. Upon information and belief, Opposer has been or will be damaged by registration of the '485 application because it will give color of exclusive statutory rights to Applicant in the mark of the '485 application in violation and derogation of the prior superior rights of Opposer.

COUNT II – LIKELIHOOD OF CONFUSION

23. The allegations of paragraphs 1-13 are incorporated herein.

24. The '485 application owned by Applicant for the mark KARMA ATHLETICA is similar in appearance, sound, connotation and commercial impression to Petitioner's KARMA mark.

25. The '485 application owned by Applicant for the mark KARMA ATHLETICA is similar in appearance, sound, connotation and commercial impression to Opposer's KARMA ATHLETICS LTD. trade name.

26. The goods of the '485 application are related to those goods sold by Opposer, as evidenced by Opposer's federal registrations applied to clothing, athletic equipment and associated accessories, in that Applicant's identified goods include athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms.

27. There are no restrictions on the channels of trade recited in the '485 application. As such, Applicant's goods are presumed to be offered in all channels of trade in which the identified goods are generally offered. Such channels of trade include the channels of trade in which Opposer offers its clothing, athletic equipment and associated accessories under its trade name.

28. Given Opposer's prior superior rights in its KARMA mark and the trade name KARMA ATHLETICS LTD., Applicant's use and registration of KARMA ATHLETICA is likely to cause consumers to mistakenly believe that Applicant's goods are approved, endorsed or sponsored by Opposer, or that Opposer is the source of Applicant's athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms, or that the goods of Applicant are in some other way associated with Opposer, all to Opposer's injury and harm.

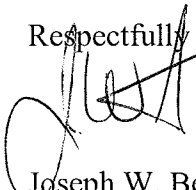
29. By reason of the foregoing, Opposer are likely to be harmed by registration of application Serial No. 85/604,485 for the mark shown therein.

WHEREFORE, it is respectfully requested that this Opposition be sustained and that registration sought by the Applicant in application Serial No. 85/604,485 be denied. The Office is authorized to debit Deposit Account No. 50-0548 for the fee due for filing the Notice of Opposition and any other associated fees.

Please recognize as attorneys for Opposer in this proceeding, Mr. Joseph W. Berenato, III, and the law firm of Berenato and White, LLC, 6550 Rock Spring Drive, Suite 240, Bethesda, Maryland, 20817.

Please address all communications to Mr. Joseph Berenato, III at the above-noted address.

Respectfully submitted,



Joseph W. Berenato, III
Attorney for Opposer

Berenato and White, LLC

6550 Rock Spring Drive

Suite 240

Bethesda, Maryland 20817

Telephone: (301) 896-0600

Facsimile: (301) 896-0607

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Notice of Opposition upon Applicant by depositing one copy thereof in the United States Mail, first-class postage prepaid on November 8, 2012, addressed as follows:

Mr. Malik Vanterpool
Mr. Neal Shantelle
300 N. Akard Street
Dallas, Texas 75201-3469

By: _____

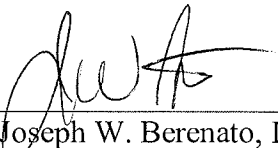

Joseph W. Berenato, III
Berenato and White, LLC
6550 Rock Spring Drive
Suite 240
Bethesda, Maryland 20817
Tel: (301) 896-0600
Fax: (301) 896-0607
Attorneys for Opposer

Exhibit 1

Karna Athletics - Mozilla Firefox

File Edit View History Bookmarks Tools Help

Trademarks Home

x

Karna Athletics

x

Karna Wear

+

-

0

X



About Us | Karma Wear Mozilla Firefox

File Edit View History Bookmarks Tools Help

Trademarks Home

About Us | Karma Wear

www.karmawear.com/about-us/

Search

Bing

8

Exhibit 2

Stretch FOR HEALTH

REDUCE STRESS
RELEASE TENSION
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• Lie forward, backward, or on sides in a passive therapeutic stretch
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• Holds easily for storage

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International: 1-415-294-4717
www.YogaBusinessCoach.com

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Developed by hatha yoga pioneer, the Yamuna Ziva Yamuna® Body Rolling is a powerful body meditation that follows the logic of the neuromuscular system, releasing energy up the spine, freeing muscles and myofascia, and stimulating all nerve roots. Yamuna® Body Rolling is a perfect means to stretch deeper, longer and prevent injury. By working muscles that might be restrictive to mastering a pose, as a warm up, or as a part of deep relaxation, Yamuna® Body Rolling is a truly excellent complement to a yoga practice.

Yamuna® Body Rolling

September 2: Sept 8, 2007 Chicago / Peoria, IL
September 21: Sept 22, 2007 Dallas, Texas
September 28: Sept 29, 2007 New York City
October 11: Oct 12, 2007 Los Angeles, CA
October 14: Oct 15, 2007 Chicago, IL
October 19: Oct 20, 2007 New York City
October 27: Dec 8, 2007 Los Angeles, CA
November 2: Nov 3, 2007 Chicago / Peoria, IL
November 3: Nov 4, 2007 Chicago / Peoria, IL
November 20: Nov 21, 2007 Los Angeles, CA
November 28: Oct 29, 2007 Chicago, IL
November 29: Nov 30, 2007 New York City
November 30: Dec 1, 2007 Los Angeles, CA
December 1: Dec 2, 2007 Los Angeles, CA
December 2: Dec 3, 2007 Los Angeles, CA
December 3: Dec 4, 2007 Los Angeles, CA
December 4: Dec 5, 2007 Los Angeles, CA
December 5: Dec 6, 2007 Los Angeles, CA
December 6: Dec 7, 2007 Los Angeles, CA
December 7: Dec 8, 2007 Los Angeles, CA
December 8: Dec 9, 2007 Los Angeles, CA
December 9: Dec 10, 2007 Los Angeles, CA
December 10: Dec 11, 2007 Los Angeles, CA
December 11: Dec 12, 2007 Los Angeles, CA
December 12: Dec 13, 2007 Los Angeles, CA
December 13: Dec 14, 2007 Los Angeles, CA
December 14: Dec 15, 2007 Los Angeles, CA
December 15: Dec 16, 2007 Los Angeles, CA
December 16: Dec 17, 2007 Los Angeles, CA
December 17: Dec 18, 2007 Los Angeles, CA
December 18: Dec 19, 2007 Los Angeles, CA
December 19: Dec 20, 2007 Los Angeles, CA
December 20: Dec 21, 2007 Los Angeles, CA
December 21: Dec 22, 2007 Los Angeles, CA
December 22: Dec 23, 2007 Los Angeles, CA
December 23: Dec 24, 2007 Los Angeles, CA
December 24: Dec 25, 2007 Los Angeles, CA
December 25: Dec 26, 2007 Los Angeles, CA
December 26: Dec 27, 2007 Los Angeles, CA
December 27: Dec 28, 2007 Los Angeles, CA
December 28: Dec 29, 2007 Los Angeles, CA
December 29: Dec 30, 2007 Los Angeles, CA
December 30: Dec 31, 2007 Los Angeles, CA

For more information on our 75th anniversary, visit www.yamunabodyrolling.com or call 800-577-8425.

Embrace Your Karma

Karma Alleviates Ltd

www.karmalleviates.com
wholesale@karmalleviates.com

(PRWEB) October 18, 2012

WHY: Karma announces the Karma Token campaign created to inspire people to give back and share their passion through a simple coin that can represent so much more. By gifting coins, Karma believes that people will be motivated to pay it forward and share their karma with someone else. Whether it's surprising a stranger outside a coffee shop, topping up a parking meter or simply giving it to someone who is having a rough day, a small token can empower big change.

WHEN: The Karma Token campaign launches in the US and Canada on the week of October 15.

WHERE: Karma will host events throughout North America to inspire people to make a difference in someone's life. To view the event schedule visit <http://www.facebook.com/karmaweareclothing>.

WHO:
The Dailey Method, Pure Barre Studios, CorePower Yoga, 7th Heaven Yoga, yoga studios, fashion boutiques, influencers, bloggers, media, etc.

Events where Karma representatives will be present to hand out tokens:

Tuesday, October 16: The Dailey Method Corte Madera (11 1st Street, Corte Madera, CA 94925) with Jill Dailey
Wednesday, October 17: The Dailey Method San Francisco (1000 Market Street, San Francisco, CA 94102)
Thursday, October 18: The Dailey Method San Francisco (1000 Market Street, San Francisco, CA 94102)
Friday, October 19: The Dailey Method San Francisco (1000 Market Street, San Francisco, CA 94102)
Saturday, October 20: The Dailey Method San Francisco (1000 Market Street, San Francisco, CA 94102)
Sunday, October 21: The Dailey Method San Francisco (1000 Market Street, San Francisco, CA 94102)
Monday, October 22: CorePower Yoga (7777 Edinger Ave., Huntington Beach, CA 92647)
Tuesday, October 23: CorePower Yoga (2875 El Camino Real Tustin, CA 92782)
Wednesday, October 24: CorePower Yoga (2826 18th Street South, Birmingham, AL 35209)
Thursday, October 25: Pure Barre Birmingham (2826 18th Street South, Birmingham, AL 35209)
Friday, October 26: Pure Barre 280 (6426 Highway 280 East, Suite 6, Hoover, AL 35242)
Saturday, October 27: Pure Barre Tuscaloosa (1528 McFarland Blvd., Tuscaloosa, AL 35406)
Sunday, October 28: 7th Heaven Yoga (2820 7th Street Berkeley, CA 94710)

“It is our core belief that if we practice and share good karma, others will follow.”

Lanna

Contact

Kim Dresse
Indie Agency
(949) 300-5
Email



LinkedIn Account Type: Basic Upgrade

Paralegal Cert in 14 Week - Get your Paralegal Certificate Online from Boston U CPE in only 14 Weeks!


Karma Karma Athletics Ltd.

HOME CAREERS PRODUCTS INSIGHTS

18 followers

Follow

HOW YOU'RE CONNECTED

 32
6 Employees on LinkedIn

See all

PRODUCTS AND SERVICES

Let Karma Athletics Ltd. know you'd like to see their products and services here.

Send message

About Karma Athletics Ltd.

Clothes for movement. Clothes for a movement.

Karma: To give generously is to receive abundance.

At Karma we give you the inspiration to move and feel great about life. Our clothing makes it easy to feel healthy and confident in any yoga practice.

Namaste!

Headquarters

205-1008 Homer Street Vancouver, BC V6B 2X1 Canada

Website

http://www.karmawear.com

Type

Privately Held

Founded

2002

Industry

Wholesale

Company Size

1-10 employees

Exhibit 3

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,319,351

Registered Oct. 23, 2007

TRADEMARK
PRINCIPAL REGISTER

karma•

KARMA ATHLETICS LTD. (CANADA CORPORATION)
2066 WEST FOURTH AVENUE
VANCOUVER, BRITISH COLUMBIA V6J 1M9

FOR: CLOTHING AND HEADGEAR, NAMELY, BRA TOPS, T-SHIRTS, JACKETS, SWEAT SHIRTS, PANTS, SHORTS, LEGGINGS, TUNICS, SHIRTS, HATS, AND UNDERGARMENTS CONSISTING OF UNDERWEAR AND BRASSIERES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-5-2002; IN COMMERCE 9-30-2004.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS FATE OR DESTINY.

SN 78-214,736, FILED 2-13-2003.

JAMES A. RAUEN, EXAMINING ATTORNEY

STATUS

DOCUMENTS

[Back to Search](#)

Print

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Mark: KARMA.

Karma.

US Serial Number: 78214736

Application Filing Date: Feb. 13, 2003

US Registration Number: 3319351

Registration Date: Oct. 23, 2007

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 23, 2007

Publication Date: Sep. 05, 2006

Notice of Allowance Date: Nov. 28, 2006

Mark Information

Mark Literal Elements: KARMA.

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The foreign wording in the mark translates into English as fate or destiny.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Clothing and headgear, namely, bra tops, t-shirts, jackets, sweat shirts, pants, shorts, leggings, tunics, shirts, hats, and undergarments consisting of underwear and brassieres

International Class: 025 - Primary Class

U.S Class: 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 05, 2002

Use in Commerce: Sep. 30, 2004

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: KARMA ATHLETICS LTD.

Owner Address: 2066 WEST FOURTH AVENUE
VANCOUVER V6J 1M9
BRITISH COLUMBIA

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** NORMAN M CAMERON**Correspondent****Correspondent** NORMAN M CAMERON**Name/Address:** 1401-1166 ALBERNI ST
VANCOUVER, BRITISH COLUMBIA V6E 3Z3
CANADA**Phone:** 206-340-9619**Fax:** 206-340-9599**Correspondent e-mail:** rcumbow@grahamdunn.com**Correspondent e-mail No****Authorized:****Domestic Representative****Domestic Representative** Robert C. Cumbow**Phone:** 206-624-8300**Name:****Fax:** 206-340-9599**Prosecution History**

Date	Description	Proceeding Number
Aug. 01, 2012	COUNTERCLAIM CANC. NO. 999999	55488
Oct. 23, 2007	REGISTERED-PRINCIPAL REGISTER	
Sep. 20, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	76537
Sep. 19, 2007	ASSIGNED TO LIE	76537
Aug. 15, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 07, 2007	STATEMENT OF USE PROCESSING COMPLETE	74215
May 19, 2007	USE AMENDMENT FILED	74215
May 19, 2007	TEAS STATEMENT OF USE RECEIVED	
Nov. 28, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 05, 2006	PUBLISHED FOR OPPOSITION	
Aug. 16, 2006	NOTICE OF PUBLICATION	
Jul. 13, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76532
Jul. 03, 2006	ASSIGNED TO LIE	76532
Jun. 20, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 08, 2006	AMENDMENT FROM APPLICANT ENTERED	68552
Dec. 21, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Mar. 03, 2006	PETITION GRANTED - RESPONSE RECEIVED	66303
Dec. 21, 2005	PETITION TO REVIVE-RECEIVED	
Dec. 21, 2005	FAX RECEIVED	
Oct. 31, 2005	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Oct. 28, 2005	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Apr. 01, 2005	INQUIRY TO SUSPENSION E-MAILED	
Apr. 01, 2005	SUSPENSION INQUIRY WRITTEN	69811
Dec. 11, 2004	LIE CHECKED SUSP - TO ATTY FOR ACTION	76532
Mar. 19, 2004	LETTER OF SUSPENSION E-MAILED	
Mar. 03, 2004	ASSIGNED TO EXAMINER	69811
Mar. 03, 2004	ASSIGNED TO EXAMINER	76134
Feb. 04, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 04, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 09, 2003	NON-FINAL ACTION E-MAILED	
Aug. 08, 2003	ASSIGNED TO EXAMINER	76487
Apr. 23, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 20, 2007

Assignment Abstract of Title Information**Summary**

Total Assignments: 1

Registrant: KARMA ATHLETICS LTD.

Conveyance Filter

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3238/0337

Pages: 3

Date Recorded: Feb. 01, 2006

Supporting Documents: assignment-tm-3238-0337.pdf**Assignor**Name: KARMA ACTIVEWEAR INC.

Execution Date: Jan. 12, 2006

Legal Entity Type: CORPORATION

State or Country Where CANADA

Organized:

AssigneeName: KARMA ATHLETICS LTD.

State or Country Where CANADA

Legal Entity Type: CORPORATION

Organized:

Address: 2066 WEST FOURTH AVENUE
VANCOUVER, BRITISH COLUMBIA V6J 1M9**Correspondent**

Correspondent Name: NORMAN M. CAMERON

Correspondent Address: 1166 ALBERNI STREET
SUITE 1401
VANCOUVER, BCC V6E 4S7

Domestic Representative - Not Found

Exhibit 4

United States of America
United States Patent and Trademark Office

karma.

Reg. No. 3,875,261

Registered Nov. 16, 2010

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

KARMA ATHLETICS LTD. (CANADA CORPORATION)
2066 WEST FOURTH AVENUE
VANCOUVER, CANADA V6J1M9

FOR: ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, HEADGEAR, WATER BOTTLES, YOGA MATS, TOWELS, AND ATHLETIC BAGS; RETAIL STORE SERVICES FEATURING CLOTHING, HEADGEAR, WATER BOTTLES, YOGA MATS, TOWELS, AND ATHLETIC BAGS; WHOLESALE DISTRIBUTORSHIPS FEATURING CLOTHING, HEADGEAR, WATER BOTTLES, YOGA MATS, TOWELS, AND ATHLETIC BAGS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1311905, FILED 8-4-2006, REG. NO. TMA761,454, DATED 3-11-2010, EXPIRES 3-11-2025.

SER. NO. 77-090,370, FILED 1-24-2007.

SIMON TENG, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

STATUS DOCUMENTS

[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2012-11-06 8:22:42 EST**Mark:** KARMA**karma.****US Serial Number:** 77090370**Application Filing Date:** Jan. 24, 2007**US Registration Number:** 3875261**Registration Date:** Nov. 16, 2010**Register:** Principal**Mark Type:** Service Mark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** Nov. 16, 2010**Publication Date:** May 25, 2010

Mark Information

Mark Literal Elements: KARMA**Standard Character Claim:** No**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)**Color(s) Claimed:** Color is not claimed as a feature of the mark.**Design Search Code(s):** 26.01.21 - Circles that are totally or partially shaded.

Foreign Information

Priority Claimed: Yes**Foreign Application Number:** 1311905**Foreign Application Filing Date:** Aug. 04, 2006**Date:****Foreign Registration Number:** TMA761,454**Foreign Registration Date:** Mar. 11, 2010**Foreign Country:** CANADA**Foreign Expiration Date:** Mar. 11, 2025**Application/Registration****Country:**

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. * identify additional (new) wording in the goods/services.

For: on-line retail store services featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags; retail store services featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags; wholesale distributorships featuring clothing, headgear, water bottles, yoga mats, towels, and athletic bags

International Class: 035 - Primary Class**U.S Class:** 100, 101, 102**Class Status:** ACTIVE**Basis:** 44(e)

Basis Information (Case Level)

Filed Use: No**Currently Use:** No**Amended Use:** No**Filed ITU:** Yes**Currently ITU:** No**Amended ITU:** No**Filed 44D:** Yes**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** Yes**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: Karma Athletics Ltd.

Owner Address: 2066 West Fourth Avenue
Vancouver V6J1M9
CANADA

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph W. Berenato, III

Docket Number: 6222.600

Correspondent

Correspondent Name/Address: Joseph W. Berenato, III
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Correspondent e-mail: jberenato@bwsiplaw.com

Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: Joseph W. Berenato, III

Phone: (301) 896-0600

Fax: (301) 896-0607

Domestic Representative e-mail: jberenato@bwsiplaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Aug. 01, 2012	COUNTERCLAIM CANC. NO. 999999	55488
Nov. 16, 2010	REGISTERED-PRINCIPAL REGISTER	
Oct. 08, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jun. 23, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 25, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 25, 2010	PUBLISHED FOR OPPOSITION	
Apr. 21, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Apr. 20, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2010	DATA MODIFICATION COMPLETED	67287
Apr. 12, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 12, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 12, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Oct. 21, 2009	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Oct. 21, 2009	INQUIRY TO SUSPENSION E-MAILED	
Oct. 21, 2009	SUSPENSION INQUIRY WRITTEN	83698
Apr. 21, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 21, 2009	LETTER OF SUSPENSION E-MAILED	6332
Apr. 21, 2009	SUSPENSION LETTER WRITTEN	83698
Apr. 21, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	67287
Apr. 21, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Apr. 20, 2009	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Oct. 18, 2008	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Oct. 18, 2008	INQUIRY TO SUSPENSION E-MAILED	
Oct. 18, 2008	SUSPENSION INQUIRY WRITTEN	83698
Oct. 15, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	67287
Oct. 15, 2008	ASSIGNED TO LIE	67287
Apr. 15, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	

Oct. 15, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 15, 2007	LETTER OF SUSPENSION E-MAILED	6332
Oct. 15, 2007	SUSPENSION LETTER WRITTEN	83698
Oct. 12, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 12, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 12, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 03, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 03, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2007	NON-FINAL ACTION E-MAILED	6325
May 31, 2007	NON-FINAL ACTION WRITTEN	83698
May 11, 2007	ASSIGNED TO EXAMINER	83698
Jan. 30, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Jan. 29, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 16, 2010

Exhibit 5

United States of America
United States Patent and Trademark Office

karma.

Reg. No. 3,918,906

Registered Feb. 15, 2011

Int. Cls.: 21, 24 and 28

TRADEMARK

PRINCIPAL REGISTER

KARMA ATHLETICS LTD. (CANADA CORPORATION)
2066 WEST FOURTH AVENUE
VANCOUVER, CANADA V6J 1M9

FOR: PLASTIC WATER BOTTLES SOLD EMPTY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: TOWELS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FOR: SPORTS EQUIPMENT, NAMELY, YOGA MATS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1288562, FILED 2-3-2006, REG. NO. TMA769,921, DATED 6-16-2010, EXPIRES 6-16-2025.

SER. NO. 78-979,494, FILED 8-2-2006.

CAROL SPILS, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

STATUS DOCUMENTS

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Mark: KARMA

karma.

US Serial Number: 78979494

Application Filing Date: Aug. 02, 2006

US Registration Number: 3918906

Registration Date: Feb. 15, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 15, 2011

Publication Date: Aug. 24, 2010

Mark Information

Mark Literal Elements: KARMA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Related Properties InformationClaimed Ownership of US [78943487](#)

Registrations:

Child Of: [78943487](#)**Foreign Information**

Priority Claimed: Yes

Foreign Application Number: 1288562

Foreign Application Filing Date: Feb. 03, 2006

Number:

Date:

Foreign Registration Number: TMA769,921

Foreign Registration Date: Jun. 16, 2010

Number:

Foreign Country: CANADA

Foreign Expiration Date: Jun. 16, 2025

Application/Registration

Country:

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: PLASTIC WATER BOTTLES SOLD EMPTY

International Class: 021 - Primary Class

U.S Class: 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 44(e)

For: TOWELS

International Class: 024 - Primary Class

U.S Class: 042, 050

Class Status: ACTIVE

Basis: 44(e)

For: SPORTS EQUIPMENT, NAMELY, YOGA MATS

International Class: 028 - Primary Class

U.S Class: 022, 023, 038, 050

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Karma Athletics Ltd.

Owner Address: 2066 West Fourth Avenue
Vancouver V6J 1M9
CANADA

Legal Entity Type: CORPORATION

State or Country Where CANADA
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Joseph W. Berenato, III

Docket Number: 6222.590

CorrespondentCorrespondent Joseph W. Berenato, III
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Phone: (301) 896-0600

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Correspondent e-mail: jberenato@bwsiplaw.comCorrespondent e-mail No
Authorized:**Domestic Representative**Domestic Representative Joseph W. Berenato, III
Name:

Phone: (301) 896-0600

Fax: (301) 896-0607

Domestic Representative jberenato@bwsiplaw.com
e-mail:Domestic Representative Yes
e-mail Authorized:**Prosecution History**

Date	Description	Proceeding Number
Aug. 01, 2012	COUNTERCLAIM CANC. NO. 999999	55488
Feb. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 07, 2011	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Sep. 21, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Aug. 24, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 24, 2010	PUBLISHED FOR OPPOSITION	
Jul. 22, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Jul. 19, 2010	ASSIGNED TO LIE	67287
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Jun. 30, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 30, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 30, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	

Jan. 16, 2010	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 16, 2010	LETTER OF SUSPENSION E-MAILED	6332
Jan. 16, 2010	SUSPENSION LETTER WRITTEN	74307
Dec. 31, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	78145
Dec. 31, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	78145
Dec. 30, 2009	ASSIGNED TO LIE	78145
Dec. 21, 2009	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jun. 22, 2009	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Jun. 22, 2009	INQUIRY TO SUSPENSION E-MAILED	
Jun. 22, 2009	SUSPENSION INQUIRY WRITTEN	74307
Dec. 21, 2008	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Dec. 21, 2008	LETTER OF SUSPENSION E-MAILED	6332
Dec. 21, 2008	SUSPENSION LETTER WRITTEN	74307
Dec. 18, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Dec. 18, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Dec. 18, 2008	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jun. 17, 2008	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Jun. 17, 2008	INQUIRY TO SUSPENSION E-MAILED	
Jun. 17, 2008	SUSPENSION INQUIRY WRITTEN	74307
May 27, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
May 27, 2008	ASSIGNED TO LIE	68171
Nov. 25, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Nov. 25, 2007	LETTER OF SUSPENSION E-MAILED	6332
Nov. 25, 2007	SUSPENSION LETTER WRITTEN	74307
Nov. 20, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 19, 2007	DIVISIONAL PROCESSING COMPLETE	
Nov. 16, 2007	DIVISIONAL REQUEST RECEIVED	
Nov. 16, 2007	RESPONSE TO ITU OFFICE ACTION ENTERED	65362
Nov. 16, 2007	PAPER RECEIVED	
Nov. 07, 2007	ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST	65362
Oct. 18, 2007	AMENDMENT FROM APPLICANT ENTERED	78288
Oct. 15, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78288
Oct. 15, 2007	PAPER RECEIVED	
Oct. 10, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 10, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 13, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 13, 2007	LETTER OF SUSPENSION E-MAILED	6332
Aug. 13, 2007	SUSPENSION LETTER WRITTEN	74307
Jul. 19, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	78288
Jul. 19, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78288
Jul. 19, 2007	ASSIGNED TO LIE	78288
Jul. 02, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 31, 2006	NON-FINAL ACTION E-MAILED	6325
Dec. 31, 2006	NON-FINAL ACTION WRITTEN	74307
Dec. 27, 2006	ASSIGNED TO EXAMINER	74307
Aug. 09, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 08, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Feb. 15, 2011